

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**RAYMOND K. CRUSE,**

**Plaintiff,**

**v.**

**Civil Action 2:12-cv-00117**

**Judge Gregory L. Frost**

**Magistrate Judge Elizabeth P. Deavers**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

**ORDER**

This matter is before the Court for consideration of the August 13, 2012 Report and Recommendation of the Magistrate Judge. (ECF No. 6.) The Magistrate Judge recommended that the Court dismiss this action without prejudice for failure to perfect service pursuant to Rule 4(m).

The Report and Recommendation of the Magistrate Judge specifically advised the parties that failure to object to the Report and Recommendation within fourteen days results in a “waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report & Recommendation 1-2, ECF No. 6.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The record reflects that the Report and Recommendation was sent to Plaintiff by ordinary and certified mail at the address he provided in the Complaint. The certified mail was returned as unclaimed. (*See* ECF Nos. 7 and 8.) The record contains no evidence that the documents sent

by ordinary mail did not reach Plaintiff. In any event, if Plaintiff's mailing address has changed, Plaintiff has an affirmative duty to notify the Court of any change in address. *See Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at \*1 (6th Cir. May 2, 1994) ("If [*pro se* Plaintiff's] address changed, she had an affirmative duty to supply the court with notice of any and all changes in her address."); *see also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) ("[W]hile *pro se* litigants may be entitled to some latitude when dealing with sophisticated legal issues . . . there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend."); *Walker v. Cognis Oleo Chem., LLC*, No. 1:07cv289, 2010 WL 717275, at \*1 (S.D. Ohio Feb. 26, 2010) ("By failing to keep the Court apprised of his current address, Plaintiff demonstrates a lack of prosecution of his action.").

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth P. Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Plaintiff's action is **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk is **DIRECTED** to remove this action from the Court's pending case list.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE